This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*, an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the Missouri Register begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.115 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-11.115 by opening waterfowl hunting season on Bull Shoals Lake.

3 CSR 10-11.115 Closings

PURPOSE: This rule change removes the waterfowl refuge from Bull Shoals Lake and opens the area to hunting and fishing.

- (3) The following department areas are closed to protect waterfowl:
- (A) On Stockton Lake waterfowl refuge, hunting, fishing, trapping, boating and vehicles are prohibited from October 15 through the area's prescribed duck and Canada goose seasons on all Corps of Engineers lands and waters on and adjacent to the Little Sac

Arm from the Highway 123 bridge to the county road bridge crossing Little Sac River in Section 11, T32N, R24W.

(B) On the portion of Ralph and Martha Perry Memorial Conservation Area which has been designated a waterfowl refuge, hunting, fishing, trapping, boating, entry by the public and vehicles are prohibited from October 15 through the close of the waterfowl season.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed October 1, 2001, effective **October 15, 2001**.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.160 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-11.160 by opening waterfowl hunting season on Bull Shoals Lake.

3 CSR 10-11.160 Use of Boats and Motors

PURPOSE: This rule change expands walk-in hunting opportunities for waterfowl to assist in the management of increasing goose populations at Theodosia. The prohibition against boating activity during the hunting season is retained, however, to limit the impact on other waterfowl species.

- (1) Boats, including sailboats, may be used on lakes and ponds designated as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.
- (A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.
- 1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.
- 2. On Hunnewell Lake Conservation Area, only departmentowned boats may be used.
- 3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.
- 4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through

January 15. No horsepower restrictions apply. Boats may be left unattended overnight.

5. All boating is prohibited from November 15 through February 15 on the Theodosia Arm of Bull Shoals Lake described as: All of Section 13, and south half of Section 12, T22N, R16W; all of Section 17, south half of Sections 7 and 8, and that part of Sections 19 and 20 north of Highway 160 bridge, all in T22N, R15W.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed October 1, 2001, effective October 15, 2001

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.010, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.100 Code is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1160–1161). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-121.020 Administration and Enforcement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB

317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.020 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.020. Therefore, 4 CSR 240-121.020 should remain in effect as proposed. 4 CSR 240-121.020 gives the Commission powers and responsibilities under Chapter 700, RSMo concerning the authority to revoke, deny, refuse to renew or place on probation a registration under section 700.090. The Commission will still require used manufactured home dealers to register with the Commission in order to sell manufactured homes in the State of Missouri.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule a follows:

4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161–1162). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.040 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.040. Therefore, 4 CSR 240-121.040 should remain in effect as proposed. 4 CSR 240-121.040 gives the Commission the authority to inspect dealer books, records, inventory and premises. The Commission believes that nothing in the Chapter 700 amendments removes that authority.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.100, RSMo 2000, the commission withdraws a proposed rule as follows:

4 CSR 240-121.090 Proper and Initial Setup of Pre-Owned Manufactured Homes is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1162–1163). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.090 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission agrees that Chapter 700 amendments did affect statutory authority cited in 4 CSR 240-121.090 and that the proposed rule will be withdrawn. 4 CSR 240-121.090 pertains to the requirements for the installation and set-up of preowned manufactured homes. The Commission no longer has jurisdiction over set-up issues on preowned manufactured homes therefore this proposed rule is no longer relevant.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods
and Air Pollution Control Regulations for the Entire
State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001, (26 MoReg 1322–1328). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from: American Lung Association of Eastern Missouri, Armstrong Teasdale LLP, Associated Electric Cooperative, Inc. (AECI), Associated General Contractors of Missouri, Inc., Associated Industries of Missouri, Audubon Missouri, Chemistry Council of Missouri, Environ Corporation, Kansas City Health Department Air Quality Program, Kansas City Power & Light, Mid-America Regional Council, Mining Industry Council of Missouri, Mississippi Lime Company, Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Missouri Coalition for the Environment, Missouri Concrete Association, Inc., Missouri Limestone Producers Association (MLPA), Recycle Missouri, Inc., Regulatory Environmental Group for Missouri (REGFORM), Saint Louis City Air Pollution Control Program, St. Louis County Health Department Air Pollution Control Program, Saint Louis Regional Chamber and Growth Association, Sierra Club of Missouri, Springfield-Greene County Air Pollution

Control Authority, and United States Environmental Protection Agency Region 7 (EPA). The comments focused on support and opposition to the proposed emission fee increase, permit regulation and administration, and impact of emission fee increase on small businesses.

COMMENT: Armstrong Teasdale, AECI, Associated General Contractors of Missouri, Mississippi Lime Company, Missouri Ag Industries Council. Missouri Chamber of Commerce. Missouri Limestone Producers Association, Recycle Missouri, Inc., Associated Industries of Missouri, and REGFORM commented that the emission fee should not be increased until the Air Program addresses the problems that exist in its administration of the permitting process. The commenters stated that emissions fees should be decreasing rather than increasing because of efficiency initiatives. Additional improvements would result in no fee increase. RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program understands the issues expressed. The authorizing statute allows improvements in efficiencies to be considered when the fee is annually updated. The proposed emission fee increase was based on currently available financial information. If in future years the permit administrative process results in improved efficiency, the emission fee analysis will take into consideration the improvements made. This could result in the emission fee being adjusted to reflect those improvements. Further, the following improvements have been made to the permitting processes through the Construction Permit Streamlining Workgroup and other efficiency initiatives.

Fixed Relocation Fee. The Missouri Air Conservation Commission (MACC) adopted the regulation changes required to implement this recommendation and the department's Air Pollution Control Program is now charging a fixed \$200 fee for reviewing these applications.

Issue Fee Letter Concurrent to Executive Review/Signature Delegation. Signature authority was delegated to the department's Air Pollution Control Program in 1997.

Permit-by-Rule. The Missouri Air Conservation Commission adopted the construction permit rule revisions which included a placeholder for the Permit-by-Rule concept. The Missouri Limestone Producers Association hired a consultant to work with staff to help streamline reviews for their industry. Several working meetings were held and an air quality computer screening tool was developed. Staff within the New Source Review Unit are using a version of this screening tool when conducting reviews. The Missouri Department of Natural Resources' Technical Assistance Program conducted a training session to introduce this tool to MLPA members. Once applicants become familiar with this tool, the department's Air Pollution Control Program expects it to be used on a majority of projects. This will reduce review time and project turnaround. It is likely that this approach is feasible for other industries. The department's Air Pollution Control Program will proceed with the development of similar computer screening tools as time is available.

Exemptions. A list of exempt projects was included in the revised construction permit application package.

Construction Permit Review Manual. The construction permit review manual was updated to incorporate the changes recommended by the Construction Permit Streamlining Workgroup. Every year the department's Air Pollution Control Program updates this manual.

Revised Permit Application Package. This package has been in use for about one year now. This has helped improve applications, but substandard applications continue to be a problem. A good application is strongly correlated to short review times. Close analysis of the processing times for New Source Review permit applications shows that time spent waiting on applicants to supply additional information after the application has been submitted approximately equals the time needed by the department's Air

Pollution Control Program staff to completely process the applica-

Banking. The Construction Permit Streamlining Workgroup decided that banking discussions should be tabled until the EPA finalized their guidance on this issue. The banking issues will be handled through a workgroup and industry will actively participate in these discussions. Missouri statutes have recently been revised to include an emissions trading and banking system. A bank of emissions readily available to offset new emissions in nonattainment areas will expedite industrial development in urban areas.

Insignificant Emissions Exemption Levels. The construction permit rule has been amended such that small projects at currently permitted facilities are now exempt from permit review. The insignificance level was established at 0.5 pounds per hour for criteria pollutants. However, if a new or modified source emits less than 876 pounds per year, the proposed source is not required to obtain a construction permit. The least stringent of the two criteria (pounds per hour or pounds per year) governs. In calendar year 2000, the department's Air Pollution Control Program issued 81 more no-permit-required letters than in 1999, an increase of about 40%. The total number of permits issued in 2000 had a corresponding drop in numbers. The Air Program Advisory Forum continues to investigate options for insignificant emissions exemption levels.

Air Quality Analysis Requirements for Criteria Pollutants. The construction permit rule was amended to incorporate this recommendation, and the construction permit application package will help applicants prepare better applications. The application package includes a section that will guide applicants through their own optional air quality screening analysis.

Partial Codification of the Hazardous Air Pollutants (HAPS)—Codify Emission Levels Below Which No Air Quality Analysis Will Be Required For HAPS. The Missouri Air Conservation Commission adopted the regulation changes required to implement this recommendation. The regulation states that no air quality analysis will be required for projects that have the potential to emit, less than 0.5 pounds per hour of any individual HAP, or less than the department's Air Pollution Control Program established emission thresholds. The HAP emission thresholds table has been prepared and is included in the revised application package.

Aggregated Emissions Case. An amendment to the construction permit rule was adopted by the Missouri Air Conservation Commission, so that the Missouri approach to this case now aligns with the federal approach. A definition was also changed to implement this recommendation.

Establish an Application Screening Group. A reorganization of the department's Air Pollution Control Program established an Initial Review Unit within the Permit Section. This unit will determine administrative completeness of all applications, perform any preliminary data processing that is necessary and conduct and issue permits for portable equipment.

Transfer Accounting Functions to Administrative Section. The accounting functions were transferred from the New Source Review Unit to the Administration Section. The specific functions include: determining billing amounts, sending bills for filing and processing fees and following up on unpaid bills.

Establish Maximum Times That Applicants Can Have Applications On Hold. The New Source Review Unit has changed procedures such that applications can only be placed on hold with the supervisor's approval. The Initial Review Unit generates weekly reports that identify all tracking steps that have expired or will expire within the week. These reports are distributed to Permit Managers and staff for follow-up.

Develop A More Informative And Detailed Web Site. The department's Air Pollution Control Program now provides more information on it's web site. The pages have been reorganized. All of the Permit Forms are provided electronically through the department's Technical Assistance Program's Publications pages. All

permitting forms are found in one location. The department's Air Pollution Control Program plans to soon provide the public notice draft permits on these pages. The department's Air Pollution Control Program plans to accept construction permit applications over the internet in the future.

Develop A Lessons Learned Package For Distribution. A report has been prepared showing the number of projects where additional information has been requested of applicants, grouped by industrial category. Once an analysis is performed on the information and the industrial categories are prioritized, the packages can be prepared to help each target category. The first category is the stone quarry industry. The new application package developed under Permit by Rule will address the questions and problems identified for Lessons Learned. Additional categories will be analyzed.

Missouri Emission Inventory System (MoEIS). The MoEIS project is being undertaken with the intent of greatly simplifying the emission data gathering process. MoEIS will make it much easier for industry to report their emissions data, through greater industry staff accessibility, 24 hours a day—7 days a week information availability, reduced training needs for industry, etc. The MoEIS project will result in Internet emission data entry and submittal. MoEIS will move the department's Air Pollution Control Program away from the paper forms that are difficult to change to electronic forms that suit customer needs. The Internet will provide a much more flexible form for the industry to work with. The Air e-Data Internet portion of MoEIS will be available by year's end. Missouri sources of air pollution will be able to enter their emissions for calendar 2002 using the Internet.

Emissions Inventory Questionnaires (EIQ). For small emitters the department's Air Pollution Control Program allows for one page EIQ submittals (the EZ, Fee Only, and Dry Cleaner EIQs) if the installation's emissions are below a certain level, which helps companies minimize time spent on their data submittal. In addition, for those required to continue submitting full EIQs, the submittal will usually be very similar to previous years, with possibly only annual throughputs and annual emissions requiring adjustment each year for emission processes. In cases where an installation's operations have remained approximately the same, the department's Air Pollution Control Program hopes the EIQ would take less time and cost after the initial year an EIQ has been submitted for the installation.

Policy on Missouri Department of Transportation Right-of-Way Sources. The department's Air Pollution Control Program has instituted a new policy regarding portable equipment relocation. Highway construction projects frequently have portable concrete batch or asphalt plants associated with them. Often the plants are to be located on a small parcel of land that is within the right-ofway for the highway being worked on. Typically, the department's Air Pollution Control Program reviews the air quality concentrations at the edge of the property to check for an emission exceedance. This made it difficult to approve these facilities. The department's Air Pollution Control Program noticed that these projects are mostly completed in months, not years, as with other construction projects. Using the length of the highway contract as the expiration date, the department's Air Pollution Control Program conducted the air quality reviews based on the distance to the nearest inhabited dwelling.

As a result of comments, the department's Air Pollution Control Program is recommending that the fee not be increased for emissions in calendar year 2001 but remain at \$25.70 per ton for 2001. However, the department's Air Pollution Control Program expects that the fee for calendar year 2002 will need to be significantly increased. This approach has been thoroughly covered in the fee analysis and it is industry's preference not to phase in fee increases but to postpone any fee increase until next year. The department's Air Pollution Control Program will continue to work with industry and others to implement efficiencies. The department's

Air Pollution Control Program will consider these improvements in the next fee analysis.

COMMENT: Armstrong Teasdale commented that there seems to be a reluctance to set a reasonable minimum exemption level on volatile organic compounds (VOCs) below which no permit would be needed. An investigation should be made as to what staffing needs would be if a) the exemption level was raised to 4 or 5 tons of VOCs per year and b) there was close supervision of the engineers and others assigned to process the permits to make sure they were processed in accordance with established procedures, which would be written and published, and no extraneous matters and extra thoughts were included in the permitting process. Without doing these two things, it is difficult to know how to evaluate a request for an increase in the emission fee.

RESPONSE: The department's Air Pollution Control Program appreciates the suggestions that have been submitted along with the comment and will consider them for future incorporation in the permit process. The construction permit rule has been amended such that small projects at currently permitted facilities are now exempt from permit review. The significance level was established at 0.5 pounds per hour for criteria pollutants. However, if a new or modified source emits less than 876 pounds per year, the proposed source is not required to obtain a construction permit. The least stringent of the two criteria (pounds per hour or pounds per year) governs.

In calendar year 2000, the department's Air Pollution Control Program issued 81 more no-permit-required letters than in 1999, an increase of about 40% in one year. The total number of permits issued in 2000 had a corresponding drop in numbers. However, there are only eight New Source Review engineers available to review all construction permit applications, state-wide (this includes the requirement to review local agency permits within 30 days of issuance by the local authority). Even if all eight were to be removed, which would also mean a loss of some construction permit fee revenue, it would be a small change in program funding needs. The proposed emission fee increase is based on currently available actual financial information.

Permit engineers are closely supervised. Management also reviews and approves all permits before they are issued. No changes were made as a result of this comment.

COMMENT: Armstrong Teasdale, AECI, Missouri Limestone Producers Association, Associated Industries of Missouri, the Chemistry Council of Missouri, the Mining Industry Council of Missouri, the Missouri Concrete Association, Environ Corporation, Kansas City Power & Light, Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Recycle Missouri, Inc., and REGFORM commented that at the present time, an emission fee increase is not necessary for the following year. Apparently it is being done to cover two years which is questionable as to whether it is appropriate. The commenters prefer delaying the fee increase at least one year because there is not an immediate funding crisis.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program emission fee revenue has been less than expenditures since emission year 1997 (emissions during calendar year 1997 and fees payable April 1, 1998 as compared to expenses for state fiscal year starting July 1, 1998). Since that time, the fund balance accumulated prior to 1997 has been used to supplement emission fee revenue.

Revenues due April 1, 2001 were \$500,000 less than projected in last year's analysis. Fringe benefits cost increased more than projected last year. Last year's projections used 26.5% as the fringe benefit rate while this year's projections used 33.7% because of increases in health care insurance cost.

The existing fund balance is rapidly being depleted. The department's Air Pollution Control Program needs to transition from an

emission fee supplemented by a fund balance to an emission fee sufficient to cover expenses. The options presented by the department's Air Pollution Control Program to the Missouri Air Conservation Commission on August 3, 2001 were raise the fee for 2001 to phase in the increase in the fee or wait and raise the fee for 2002 more dramatically.

As a result of comments, the department's Air Pollution Control Program is recommending that the fee not be increased for emissions in calendar year 2001 but remain at \$25.70 per ton for 2001. However, the department's Air Pollution Control Program expects that the fee for calendar year 2002 will need to be significantly increased. This approach has been thoroughly covered in the fee analysis and it is industry's preference not to phase in fee increases but to postpone any fee increase until next year. The department's Air Pollution Control Program will continue to work with industry and others to implement efficiencies. The department's Air Pollution Control Program will consider these improvements in the next fee analysis.

COMMENT: AECI commented that information provided by the department's Air Pollution Control Program shows a steadily increasing staffing level, reaching 131 full-time employees (FTEs) in 2001. However, no information has been provided on why it takes 131 FTEs to run the operating permit program.

RESPONSE: There are very strict federal and state accounting guidelines that the department's Air Pollution Control Program must follow when expending Title V monies. There are various activities associated with Title V sources that go well beyond the actual operating permit processing. Not all of the department's Air Pollution Control Program FTEs are paid from the Title V fund. There are several different funding sources, all of which were identified in the rulemaking documentation, that are used for the department's Air Pollution Control Program operation. The FTEs cited by AECI are funded by all emissions fees not just those paid by large (Title V) sources. The total air quality effort in Missouri includes approximately 116 FTEs in the department's Air Pollution Control Program, 17 FTEs in the department's Environmental Services Program, 5 FTEs in the department's Technical Assistance Program, 39 FTEs in the department's six Regional Offices and 64 FTEs in the four local air agencies. In addition, the department's Air Pollution Control Program processed no operating permits in 1990. Whereas now there are currently 460 Part 70 (Title V) sources, 297 Intermediate (federally enforceable state operating permit) sources and 872 Basic sources. No changes were made as a result of this comment.

COMMENT: AECI and REGFORM commented that the regulated community had only about two months to evaluate and comment on this proposal. This is not adequate time to evaluate the proposed fee increase. The permit holders should be involved in the process.

RESPONSE: Since fees are payable April 1st of each year, the department's Air Pollution Control Program did not know actual revenue would be less than previously projected until all payments received were tabulated. The department's Air Pollution Control Program had estimated that emission fees payable April 1, 2001 would be \$7.4 million. Actual receipts were only \$6.9 million or \$500,000 less than projected.

Fund projections were shared with representatives of industry in a meeting on May 30, 2001. The department's Air Pollution Control Program obtained input from industry and restated the financial projections from a state fiscal year basis to an emission year basis. The revised analysis was then shared with the industry group in a second meeting on June 19 and later shared with the Small Business Compliance Advisory Committee on June 28. No changes were made as a result of this comment.

COMMENT: Audubon Missouri commented in support of the fee increase and suggested that a fee of \$35 per ton is reasonable given that fees have not been adjusted for several years.

RESPONSE: The department's Air Pollution Control Program appreciates Audubon Missouri's support of this proposed amendment. As a result of industry's comments preferring no fee phasein, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002 on the order of \$33.00 per ton. No additional changes were made as a result of this comment.

COMMENT: The Kansas City Health Department Air Quality Program testified in support of the proposed emission fee increase. In Kansas City, Missouri for FFY 2002, the Health Department's Air Program will receive about \$500,000 in emission fees. This amounts to about 55% of a budget of approximately \$897,000. With federal funding to local programs being essentially flat for several years, the emission fee appears to be the most equitable method of local agency support.

RESPONSE: The department's Air Pollution Control Program appreciates the Kansas City Health Department Air Quality Program's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Mid-America Regional Council commented that the proposed emission fee increase is necessary to maintain the current level of effort in the permit process, enforcement, and other programs essential to protecting air quality in Missouri. With air quality a continuing concern in the Kansas City area, the Council encourages the Missouri Air Conservation Commission to approve the proposed emission fee increase.

RESPONSE: The department's Air Pollution Control Program appreciates the Mid-America Regional Council's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Mississippi Lime Company commented that the efficiency of the department's Air Pollution Control Program permitting process can be improved only by the addition and retention of qualified engineers. This would be accomplished by salary and training commensurate with industry to attract and retain qualified engineers.

RESPONSE: The department's Air Pollution Control Program agrees that retaining qualified, well trained engineers is essential to the success of the department's Air Pollution Control Program. No changes were made as a result of this comment.

COMMENT: The Mississippi Lime Company commented that industry offers to pay consultants to review permit applications in order to speed up the review process have not yet been accepted due to reluctance to delegate responsibilities outside the department's Air Pollution Control Program for fear of inadequate or biased review.

RESPONSE: The department's Air Pollution Control Program uses contract support in the Permit Section. However, contractor usage results in a net loss to the state because of review fee caps

in the statute. The contractors bill the state at a higher rate than the statute allows the department's Air Pollution Control Program to bill applicants. The difference may be as great as \$25.00 per hour of review. This increases costs to the department's Air Pollution Control Program. No changes were made as a result of this comment

COMMENT: The Mississippi Lime Company and Recycle Missouri, Inc. commented that raising the emission cap from the present 4,000 tons per pollutant level would assist small business owners and allow the larger emission sources to contribute more to the cost of the Title V program.

RESPONSE: The department's Air Pollution Control Program agrees that raising the cap would more equitably distribute the costs between large and small emitters. However, this would require a statute change to 643.079, RSMo. This legislative change is beyond the authority of the department's Air Pollution Control Program and the Missouri Air Conservation Commission. No changes were made as a result of this comment.

COMMENT: Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Missouri Limestone Producers Association, REGFORM, St. Louis Regional Chamber and Growth Association commented that the necessary information to justify the proposed emission fee increase has not been provided relative to the use of Title V monies, effective and efficient use thereof, fund balance questions, and work that would be cut by the department's Air Pollution Control Program if there is no emission fee increase. Increased workloads have not been demonstrated. The department's Air Pollution Control Program should demonstrate that the workload is consistent with the emissions fee.

RESPONSE: The department's Air Pollution Control Program financial information presented to the Missouri Air Conservation Commission included an analysis of Title V revenue, expenses, and fund balance and are found on pages 90 through 92 of the August 3, 2001 Missouri Air Conservation Commission Briefing Document

The program will continue to experience an increased workload over the next several years. Issues such as the eight-hour ozone standard, fine particulate matter standard, regional haze, oxides of nitrogen trading, and rules for implementation of a banking and trading program as required by recent legislation will be addressed in the next few years. Industry has suggested that the program's workload will decrease, however the opposite is true.

The emissions fee has remained at \$25.70 since 1994 despite a steadily increasing workload. For example, in the Enforcement Section from 1992 to 2000 annual data shows Notices of Violation have increased from 461 to 1035 per year, complaints have increased from 894 to 1245 per year, settlement agreements have increased from 109 to 146 per year, and inspections have increased from 891 to 1686 per year. Also annual permits to construct have increased from 270 to 438 per year and permits to operate have increased from zero to 326 per year. From 1990 to 2000, annual EIQ submissions have increased from 600 per year to 3000 per year. Air monitoring sites have increased from 120 in 1990 to 160 in 2000.

The increasing requirements of the Clean Air Act does not allow the department's Air Pollution Control Program the option to cut work. A number of program activities are likely to increase in the coming years. Implementation of the new ambient air quality standards for PM2.5 and ozone as well as the regional haze program are likely to require additional resources. Kansas City and St. Louis will likely be nonattainment with respect to the 8 hour ozone standard and there are indications that St. Louis may violate the particulate matter standard. Lastly, regional haze state implementation plans will have to be submitted within a few years including best available retrofit controls on major sources. No changes were made as a result of this comment.

COMMENT: The Missouri Coalition for the Environment commented that the revenue generated by proposed emission fee increase is necessary to maintain the current level of environmental protection and efficiency in the permitting process. Approximately 20% of the department's Air Pollution Control Program's positions are currently unfilled. This shortfall poses a direct threat to human health and environmental quality and also increases the burden on industry by slowing the regulatory process.

RESPONSE: The department's Air Pollution Control Program appreciates the Missouri Coalition for the Environment's support of this proposed amendment. The department's Air Pollution Control Program is actively recruiting for these positions but low salaries make it difficult to attract and retain good technical staff. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: REGFORM commented that at the June 2000 MACC meeting, the department's Air Pollution Control Program displayed a chart that showed a fund balance of approximately \$12 million and indicated that an emission fee increase would not be needed until 2004. The financial analysis presented to support the proposed increase for 2001 is difficult to comprehend. The department's Air Pollution Control Program indicates that the fund balance on July 1st must be sufficient to cover the cost of the whole year's program expenses. The regulated community believes that the fund balance in July need only be of sufficient size to cover the gap between emission fee revenues brought in and program costs to be expended. The department's Air Pollution Control Program indicates that if it doesn't act now, the fund balance will go negative and day-to-day operations of the program will be jeopardized. The regulated community is concerned with the discrepancy between the various representations of the fund balance (June 2000 balance \$12 million, May 2001 balance \$10 million, August 2001 \$2.29 million).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program Emission fees are payable from all facilities on April 1—the due date is not staggered throughout the year for different facilities and as a result almost all emission fees are received around the April 1 due date. Expenses such as salaries, travel, and office supplies occur throughout the year. They are not all paid at one time of the year. To stay solvent so the department's Air Pollution Control Program can pay expenses as they become due, the fund balance on July 1 (start of state fiscal year) must be sufficient to cover expenses until additional revenue is received the following April 1.

To ensure the department's Air Pollution Control Program can meet its obligations, the goal is to have enough fund balance on July 1 to meet expected expenses for the upcoming state fiscal year (July 1 through June 30). In last year's presentation to the Commission on June 29, 2000, the Department estimated the fund balance at the end of state fiscal year 2001 to be \$12.1 million. In the meeting with industry representatives on May 30, 2001, the Department estimated the fund balance at the end of state fiscal year 2001 to be \$12.2 million.

At the May 30, 2001 meeting, industry representatives asked that the financial information be restated by calendar year instead of by state fiscal year. The presentation to industry on June 19, 2001, to the Small Business Compliance Advisory Group on June 28, 2001, and to the Missouri Air Conservation Commission on August 3, 2001 all used restated financial information.

A chart was used in the June 19, June 28, and August 3 presentations to explain how the financial information was presented: information was stated by calendar year of emission and matched with the fees payable April 1 and state expenses starting July 1. An example was given showing that emissions during calendar year 2000 were payable April 1, 2001 and that the state plans to spend these receipts starting July 1, 2001.

The presentation to the Missouri Air Conservation Commission on August 3, 2001 showed the fund balance at the end of 2000 to be \$2.29 million. This ending fund balance was after the receipt of emission fees payable April 1, 2001 (state fiscal year 2001) and after expenses for the year starting July 1, 2001 (state fiscal year 2002). Adding back the expenditures for the year starting July 1, 2001—which are state fiscal year 2002 expenditures—would give a \$12.3 million fund balance.

All projections when put on a fiscal year basis show a fund just over \$12 million dollars at the end of state fiscal year 2001. In the presentation to the Missouri Air Conservation Commission on August 3, 2001 the department's Air Pollution Control Program compared raising the fee for 2001 to delaying it until next year. As a result of comments, the department's Air Pollution Control Program is recommending that the fee not be increased for emissions in calendar year 2001 but remain at \$25.70 per ton for 2001. However, the department's Air Pollution Control Program expects that the fee for calendar year 2002 will need to be significantly increased. This approach has been thoroughly covered in the fee analysis and it is industry's preference not to phase-in fee increases but to postpone any fee increase until next year. The department's Air Pollution Control Program will continue to work with industry and others to implement efficiencies. The department's Air Pollution Control Program will consider these improvements in the next fee analysis.

COMMENT: REGFORM commented that none of the forward-looking scenarios the department's Air Pollution Control Program has presented today takes into consideration a potential reduction in workload. Other state government programs are dealing with a core budget reduction and a greater-than-10% withhold. It doesn't make sense in the grander scheme of the whole state budget to increase the program costs while the other state programs are cutting back.

RESPONSE: The department's Air Pollution Control Program is instituting an extra 15% withholding of general revenue funds to reflect increasing health care cost and lower than projected revenue. A majority of the shortage of general revenue funds is due to increases in health care cost, especially health care coverage cost for Medicaid patients where pharmaceutical cost has increased dramatically.

General revenue receipts for the 2001 state fiscal year were under state projections. Revenue increased only 4.2% over state fiscal year 2000 receipts, not the 5.8% increase that had been projected. The Department of Natural Resources along with other state departments are seeing extra withholding of general revenue. The emission fees are set, however, to cover the cost administering sections 643.010 to 643.190, RSMo. The department's Air Pollution Control Program showed that emission fee revenue does not cover the cost of administering sections 643.010 to 643.190, RSMo. Revenue has not been sufficient to cover expenses since emission year 1997, and that revenue has been supplemented by a declining fund balance.

Section 502 of the Clean Air Act requires Title V facilities to pay a fee sufficient to cover all reasonable cost (direct and indirect) of administering the Title V program. Title V cost can only be paid for using Title V fees. Ninety-three percent (93%) of emission fee revenue received for calendar year 2000 emissions were from Title V sources. No changes were made as a result of this comment.

COMMENT: REGFORM commented that after reviewing paragraph 5 of 643.079, RSMo relative to adjusting emission fees in relation to the Consumer Price Index for All Urban Consumers for

the United States that the state statute may limit any annual emission fee increase set by the Missouri Air Conservation Commission to an amount no greater than the Consumer Price Index.

RESPONSE: The department's Air Pollution Control Program believes that the proposed fee increase was consistent with the provisions of section 643.079, RSMo. A detailed response to legal arguments is neither required nor appropriate. No changes were made as a result of this comment.

COMMENT: The Saint Louis City Air Pollution Control Program commented that they support the proposed emission fee increase. With the United States Environmental Protection Agency attempting to cut back on some of their expenditures and place more responsibility on state and local agencies, fees must increase as the 105 EPA grants and state emissions fees have remained fairly constant over the last couple of years.

RESPONSE: The department's Air Pollution Control Program appreciates the Saint Louis City Air Pollution Control Program's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The St. Louis County Health Department Air Pollution Control Program testified that the initial emission fee schedule established in 1992 has been adjusted only once, in 1993, to the present. Funding has now begun to fall short of the funding needed for air pollution control work in Missouri. The County Air Program supports the proposed emission fee increase.

RESPONSE: The department's Air Pollution Control Program appreciates the St. Louis County Health Department Air Pollution Control Program's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Saint Louis Regional Chamber and Growth Association commented that there may be an additional \$25 million proposed new federal funding of state and local enforcement activities.

RESPONSE: The President has proposed \$25 million of federal funds for enforcement work nationwide for all media (air, water, etc.) At this time, the department's Air Pollution Control Program is unsure if this proposal will be included in the appropriations passed by Congress, if Missouri will receive any of these funds for enforcement activities, if these funds can be used to support existing enforcement efforts or if they must be used for new efforts, and if Missouri does receive funds how much, if any, will be for air pollution control efforts. This uncertainty does not allow the department's Air Pollution Control Program to consider these additional funds. No changes were made as a result of this comment

COMMENT: The Sierra Club of Missouri commented in support of the proposed fee increase and that those who seek to emit or release or who do emit or release air or water contaminants to the public air or water need to bear the burden of the cost of administering the program.

RESPONSE: The department's Air Pollution Control Program appreciates the Sierra Club of Missouri's support of this proposed amendment. As a result of industry's comments preferring no fee

phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Springfield-Greene County Air Pollution Control Authority testified in support of the proposed emission fee increase. If the state air program is unable to continue to adequately fund their portion of local programs, some of commitments may have to be abandoned.

RESPONSE: The department's Air Pollution Control Program appreciates the Springfield-Greene County Air Pollution Control Authority's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The American Lung Association of Eastern Missouri commented that they support the proposed emission fee increase. The additional revenue generated by the proposed emission fee increase would enable the department's Air Pollution Control Program to continue the protection of human health and efficiency in the permitting process.

RESPONSE: The department's Air Pollution Control Program appreciates the American Lung Association's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The EPA commented that the fee has not been raised since the early 1990s and that a number of program activities are likely to increase in the coming years. Implementation of the new ambient air quality standards for PM2.5 and ozone as well as the regional haze program are likely to require additional resources. Kansas City and St. Louis will almost certainly be nonattainment with respect to the 8 hour ozone standard. St. Louis may violate the particulate matter standard. Lastly, regional haze state implementation plans will have to be submitted within a few years including best available retrofit controls on major sources. EPA supports the proposed emission fee increase.

RESPONSE: The department's Air Pollution Control Program appreciates the EPA's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

(5) Emission Fees.

(A) Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of twenty-five dollars and seventy cents (\$25.70) per ton of regulated air pollutant emitted during calendar year 2001 in accordance with the conditions

specified in subsection (5)(B) of this rule. Sources which are required to file reports once every five (5) years may use the information in their most recent EIQ to determine their annual emission fee.

REVISED PUBLIC COST: This proposed amendment will cost \$6,988,616 in FY 2002 and \$11,629,872 in FY 2003. For the years after FY 2003, the total annualized aggregate cost is \$11,629,872 for the life of the rule. The public entity costs are not substantially more than previous cost projections and are provided as background for current cost projections. Note attached fiscal note for assumptions that apply.

REVISED PRIVATE COST: This proposed amendment will have a total annualized aggregate cost of \$20,806,545 for the life of the rule. Note attached fiscal note for assumptions that apply.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title:_	10 - Department of Natural Resources
Divisio	on: 10 - Air Conservation Commission
Chapte	er: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri
Туре	of Rulemaking: Proposed Amendment
Rula X	Jumber and Name: 10 CSR 10 - 6 110 Submission of Emission Data. Emission Fees and Process Informati

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources /Air Pollution Control Program	\$ 9,076,495
Misc. Public Entities (listed below)	\$ 2,553,377
Totals	\$11,629,872

^{*}Cost estimates are reported as annualized aggregates.

III. WORKSHEET

Missouri Department of Natural Resources /Air Pollution Control Program (APCP) Costs

APCP Costs]]	FY2002**		FY2003	Annual	ized Aggregate
Salaries	\$	1,895,241	\$	3,908,368	\$	3,908,368
Fringe Benefits	\$	506,170	\$	1,006,993	\$	1,006,993
Operating Expenses	\$	605,396	\$	1,211,773	\$	1,211,773
Grants to Local Air Agencies	\$	976,000	\$	2,002,000	\$	2,002,000
Refunds	\$	13,116	\$	26,232	\$	26,232
Department Overhead	\$	449,020	\$	921,129	\$	921,129
Totals	\$	4,444,943	\$	9,076,495	\$	9,076,495
Local Air Agencies (Kansas City, Springfield, St. Louis City, St. Louis County) Costs						
Salaries, fringes, operating, and						
overhead	\$	976,000	\$	2,002,000	\$	2,002,000
Less Grant from MDNR	(\$	976,000)	(\$	2,002,000)	(\$	2,002,000)
Totals	\$	0	\$	0	\$	0

^{**}See Assumption #1 on page 2 of this Fiscal Note.

Public Entity Costs

Source Description	Number of Facilities
Gas & Electric	44
Sanitary Services	30
Hospitals	25
Rehabilitation Centers	3
Schools	10
Correctional Facility	2
National Security	5

Post Office	2
Transportation	3
Other	5
Totals	129

Public Entity Costs	FY 2002	FY 2003	Annualized Aggregate
EIQ Fees	\$ 970,408	\$ 980,112	\$ 980,112
EIQ Preparation	\$ 124,582	\$ 124,582	\$ 124,582
Compliance Costs	\$1,448,683	\$1,448,683	\$1,448,683
Total Costs	\$2,543,673	\$2,553,377	\$2,553,377

Costs	FY2002	FY2003	Annualized Aggregate
Departmental Costs	\$ 4,444,943	\$ 9,076,495	\$ 9,076,495
Public Entity Costs	\$ 2,543,673	\$ 2,553,377	\$ 2,553,377
Total Costs	\$ 6,988,616	\$11,629,872	\$11,629,872

IV. ASSUMPTIONS

- Public entity costs are for the entire rule rather than just the amendment. The public entity costs are
 provided for informational purposes and to provide fee collection estimates. The costs are based on the
 most recent data available to the department and are expected to be more accurate than previous fiscal notes
 for the same fiscal years.
- All emission fees are assumed to be submitted during the last six (6) months of FY2002 (January 1, 2002-June 30, 2002). Department costs for FY2002 are for the last six (6) months of FY2002 (January 1, 2002-June 30, 2002).
- 3. The cost to the facility of filling out the EIQ is held constant at the 1999 value of \$124,582 assuming that the cost of EIQ preparation occurs in the last half of FY 2002 (January 1, 2002-June 30, 2002).
- 4. Cost and affected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is reviewed, updated, and entered. Fees for public entities are based on \$25.70 per ton of regulated air pollutant.
- 5. The emission fees paid by public entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.
- 6. The Phase 1 utility boilers began paying emission fees for emissions in the last six (6) months of Fiscal Year 2001 (January 1, 2001-June 30, 2001) for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or \$1.8 million statewide (public and private).
- 7. State projections are based on the most current information regarding budget-appropriation levels. Increases or decreases in appropriations result from additions or deletions to the budget. Variations in operating expenses occur as a result of program budget decreases or increases by the legislature.
- 8. The costs to prepare EIQ forms and for compliance are taken from information provided by facilities.
- 9. The EIQ fees are assumed to increase by 1% from FY2002 to FY2003.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 1	0 - Department of Natural Resources	
Division:	10 - Air Conservation Commission	_
Chapter:	6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri	
Type of I	Rulemaking: Proposed Amendment	_

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected	Classification by types of the business entities which would likely	Estimate in the aggregate as to the cost of compliance with the rule
by the adoption of the proposed rule:	be affected:	by the affected entities:
2,302 Facilities (listed below)	Listed below	\$20,806,545

^{*}Cost estimates are reported as annualized aggregates.

III. WORKSHEET

SIC Code	SIC Description	Number of Facilities
01	AGRICULTURAL PRODUCTION CROPS	0
02	AGRICULTURAL PRODUCTION LIVESTOCK AND ANIMAL SPECIALTIES	l
07	AGRICULTURAL SERVICES	57
10	METAL MINING	8
12	COAL MINING	5
14	MINING AND QUARRYING OF NONMETALL MINERALS, EXCEPT FUELS	IC 206
15	BUILDING CONSTRUCTION GENERAL CONTRACTORS AND OPERATIVE	1
16	HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	0
17	CONSTRUCTION SPECIAL TRADE CONTRACTORS	2
20	FOOD AND KINDRED PRODUCTS	110
21	TOBACCO PRODUCTS	0
22	TEXTILE MILL PRODUCTS	2

SIC Code	SIC Description	Number of Facilities
23	APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS	0
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	54
25	FURNITURE AND FIXTURES	24
26	PAPER AND ALLIED PRODUCTS	24
27	PRINTING, PUBLISHING, AND ALLIED INDUSTRIES	66
28	CHEMICALS, BRIQUETS, PAINTS	146
29	PETROLEUM REFINING AND RELATED INDUSTRIES	157
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	57
31	LEATHER AND LEATHER PRODUCTS	10
32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	205
33	PRIMARY METAL INDUSTRIES	43
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION	87
35	INDUSTRIAL AND COMMERCIAL MACHINES AND COMPUTER EQUIPMENT	RY 40
36	ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS	38
37	TRANSPORTATION EQUIPMENT	45
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS	5
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	11
40	RAILROAD TRANSPORTATION	1
41	LOCAL AND SUBURBAN TRANSIT AND INTERURBAN HIGHWAY PASSENGER	1
42	MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING	25
44	WATER TRANSPORTATION	3

SIC Code	SIC Description	Number of Facilities
45	TRANSPORTATION BY AIR	7
46	PIPELINES, EXCEPT NATURAL GAS	21
47	TRANSPORTATION SERVICES	2
48	COMMUNICATIONS	0
49	ELECTRIC, GAS, SANITARY SERVICES, AND LANDFILLS	124
50	WHOLESALE TRADE-DURABLE GOODS	13
51	WHOLESALE TRADE-NON-DURABLE GOOD	s 130
52	LUMBER/HARDWARE	1
54	FOOD STORES	13
55	AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	2
57	HOME FURNITURE, FURNISHINGS, AND EQUIPMENT STORES	0
59	MISCELLANEOUS RETAIL	1
60	BANK	1
63	INSURANCE CARRIERS	0
65	REAL ESTATE	1
70	HOTELS, ROOMING HOUSES, CAMPS, AND OTHER LODGING PLACES	l
72	PERSONAL SERVICES AND DRY CLEANERS	3 453
73	BUSINESS SERVICES	2
75	AUTOMOTIVE REPAIR, SERVICES, AND PARKING	5
76	MISCELLANEOUS REPAIR SERVICES	1
80	HEALTH SERVICES	66
82	EDUCATIONAL SERVICES	11
84	MUSEUMS, ART GALLERIES, AND BOTANIO AND ZOOLOGICAL GARDENS	CAL 2
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT, AND RELATED	2
91	EXECUTIVE, LEGISLATIVE, AND GENERAL GOVERNMENT, EXCEPT FINANCE	. 4
92	CORRECTIONS	l

SIC Code	SIC Description	Number of Facilities
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
97	MILITARY	3

Private Entity Costs	FY2002	FY2003	Annualized Aggregate
EIQ Fees	\$ 5,855,380	\$ 5,913,934	\$ 5,913,934
EIQ Preparation	\$ 2,160,418	\$ 2,160,418	\$ 2,160,418
Compliance Costs	\$12,732,193	\$12,732,193	\$12,732,193
Total Costs	\$20,747,991	\$20,806,545	\$20,806,545

IV. ASSUMPTIONS

- Private entity costs are for the entire rule rather than just the amendment. Private entity costs for this
 amendment are not expected to substantially exceed the previous amendment fiscal note since the emissions
 fee is proposed to remain at \$25.70 per ton of regulated air pollutant. The costs in this fiscal note are to
 provide information and to provide fee collection estimates. The costs are based on the most recent data
 available to the department and are expected to be more accurate than previous fiscal notes for the same
 fiscal years.
- 2. All emission fees are assumed to be submitted during the last six (6) months of FY2002 (January 1, 2002-June 30, 2002).
- 3. The cost to the facility of filling out the EIQ is held constant at the 1999 value of \$2,160,418 assuming that the cost of EIQ preparation occurs in the last half of FY 2002 (January 1, 2002-June 30, 2002).
- 4. Cost and effected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is continuously entered and as data is reviewed. Fees for private entities are based on \$25.70 per ton of regulated air pollutant.
- 5. The emission fees paid by public entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.
- 6. The Phase I utility boilers began paying emission fees for emissions in the last six (6) months of fiscal year 2001 (January 1, 2001-June 30, 2001) for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or \$1.8 million statewide (public and private).
- 7. The costs to prepare EIQ forms and for compliance are taken from information provided by facilities.
- 8. The EIO fees are assumed to increase by 1% from FY2002 to FY2003.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 23—Division of Geology and Land Survey Chapter 3—Well Construction Code

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-3.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1163–1172). Comments were received and changes to the rule are reprinted here. This proposed amendment becomes effective **December 30, 2001**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held July 9, 2001 and the public comment period ended July 9, 2001. Letters of comment were not received. Comments were received from the public during the public hearing.

COMMENT: Several commenters stated that the public hearing was not announced properly, was not announced in a timely manner, nor were any announcements of the hearing widely circulated and thus may be in violation of the Sunshine Law.

RESPONSE: Notification of the meeting date and time were widely distributed in advance of the meeting. Notification exceeded the 24-hour business-day pre-notification requirement of the Sunshine Law. Notice of the public hearing was printed in the *Missouri Register* on June 1, 2001. Also, as a courtesy, notification of the hearing was sent to the task force members, local members of the state legislature, local media outlets (newspaper, radio, and television), local health departments, pertinent state and federal environmental agencies, the Missouri Water Well Association, and local members of the drilling industry in June, 2001. On July 5, 2001 a notice was posted at the division offices and on July 6, 2001, Joplin and Neosho newspapers were asked to print the notice. Both newspapers printed the meeting notice. The notice was posted on the Missouri government web page "Open Meetings Notices." No changes were made in response to the comment.

COMMENT: Several commenters stated that the meeting should have been at a more convenient time and that the meeting should have been in Newton County since the rule amendment affects Newton County.

RESPONSE: The rule amendment includes provisions affecting both Newton County and Jasper County, therefore Joplin City Hall was selected because it offers an accessible, central location. Conducting hearings of this nature during normal business hours is not unusual. No changes were made in response to the comment.

COMMENT: Several commenters stated that the Well Installation Board members should have attended the public hearing.

RESPONSE: Public comment hearings are commonly held without the presence of boards or commissions. This hearing was held to receive public comment. The Board was presented with the minutes of the hearing for review. No changes were made in response to the comment.

COMMENT: Several commenters stated that task force recommendations were not implemented in the rule amendment.

RESPONSE: All task force recommendations were considered by the Board in rule amendment discussions, and many changes were made to the rule amendment. No changes were made in response to the comment. COMMENT: Several commenters stated that the deep well cost is underestimated and could vary from \$12,000 to \$20,000.

RESPONSE AND EXPLANATION OF CHANGE: In February 2001, local well drillers were invited to provide cost estimates for the construction of typical shallow wells and deep wells. Well construction specifications were provided, based on average well depth settings for shallow and deep wells in the two county area. The driller estimates for deep wells varied from \$4,350 to \$12,350. The estimates provided a basis for an average cost, approximately \$10,000. Some deep wells will cost more than the average and some will cost less. Most of the basis for variation in well cost may be due to the required casing depth for a specific location. Wells drilled outside of contaminated zones will not be more costly since the rule amendment does not change well construction requirements in areas that do not contain contaminated groundwater. In response to the comments, the private entity cost in the Fiscal Notes has been reduced to reflect a cost differential between a shallow and deep well of \$7,000 per well and a reduction in contamination area from forty percent (40%) to twenty percent (20%) of Newton County (please see following comment and response).

COMMENT: Several commenters stated that the ultimate effect on community development will be devastating due to the well cost increase.

RESPONSE: Department of Natural Resources financial aid in the form of low-interest loans is available to defray most of the additional cost of deep well construction. In addition, the area of impact will be much smaller (approximately a fifty percent (50%) reduction in area of contamination) than previously discussed with residents. This is because the area of impact map will only include known contaminated areas, and will not include potentially contaminated areas, as was once proposed. This change was made in reaction to Task Force recommendations. In addition, the rule is intended to ensure a safe groundwater supply, which should also be factored into any discussion about economic impact. No changes were made in response to the comment.

COMMENT: One commenter stated that well liners should be used for well construction rather than casing to the depth of the deep aquifer.

RESPONSE: Although liners can be an effective means to isolate groundwater zones, liners are difficult to seal and are hard to place in deep boreholes, especially those subject to formation sloughing and boreholes with cavernous zones. These situations are common to the local area. Installation of casing in the aforementioned drilling environment is the construction technique of choice. Casing and "full-length" grout volume are more likely to properly seal the impacted zone from spreading to the deep aquifer. Although some drillers use liners, the full-length casing technique is familiar to the drillers in the area. A major goal is to protect the lower aquifer by the best possible manner. This method is presented in10 CSR 23-3.100(6)(B), casing full-length and sealing from the bottom up with high-solids bentonite grout at least the volume of grout calculated for the full length of the annular space between the casing and the borehole wall. No changes were made in response to the comment.

COMMENT: Several commenters stated that low-interest loans should be available to all residents in need of more costly deep aquifer wells, regardless of their financial status. It is feared that only relatively affluent residents will be able to move into rural areas.

RESPONSE: The State Revolving Fund-Non-Point Source loan program will provide loans to individuals through the local lending facilities for the construction of deep wells drilled in an impacted area whether it is a new or replacement construction. Wells replacing newer constructed shallow wells found to be contaminated with

a contaminant listed in the National Primary Drinking Water Regulations (NPDWR) will also be eligible. Loan eligibility will be made by these local lending institutions. Therefore, it is possible that some residents will not be able to obtain a loan for a deep well. But although it is possible that some people will not be able to obtain a loan, this does not mean that these people are denied clean drinking water. The EPA currently provides bottled water, or in-house treatment systems, for free to all people with contaminated well water resulting from one of the Superfund sites in the area (all impact areas are currently within the boundaries of a Superfund site). No changes were made in response to the comment.

COMMENT: One commenter stated that low-interest loans are available for rural house construction and that the loans should include cost for deep well construction.

RESPONSE: The Well Installation Board cannot comment on loan programs that are outside the purview of the department. No change was made in response to this comment.

COMMENT: One commenter stated that the emergency rule was not a good mechanism for change in the well drilling requirements. RESPONSE: The emergency rule was rescinded in June 2000. Several meetings to assess local concerns about contaminated groundwater and public health were held before the current rule amendment was proposed. Well Installation Board meetings were also held to allow further public comment. No changes were made in response to the comment.

COMMENT: One commenter stated that only 13% of the wells tested were impacted and that the solution to such a small problem is out of proportion, since in-home treatment of contaminated water from shallow wells would be less expensive than drilling deep aquifer wells or implementation of new utility districts.

RESPONSE: Treatment systems require maintenance by residents to be effective and testing to audit treatment performance. Engineering controls, such as well construction requirements, are not dependent upon maintenance. Engineering controls have proven more effective over long periods of time. No changes were made in response to the comment.

COMMENT: One commenter stated that additional deep wells increase the likelihood of deep aquifer contamination.

RESPONSE: The lower aquifer is at risk only in areas in which the upper aquifer is impacted and a well is constructed into the lower aquifer without adequate construction techniques to prevent the migration of groundwater via the well from the upper aquifer to the lower aquifer. The lower aquifer is not at risk if the upper aquifer is not impacted. The rule does not require changes in well construction standards in areas that are not impacted (10 CSR 23-3.100(6)). Well construction with well casing from the surface into the lower aquifer and full-length grouting of the well casing, as provided in the rule (10 CSR 23-3.100(6)(B)), has been shown to be affective in preventing the migration of groundwater from the upper aquifer to the lower aquifer. No changes were made in response to the comment.

COMMENT: Several commenters desired to know when the impact area maps will be available, how the maps will be constructed, whether the public will be afforded comment and review of the maps, how maps would be updated, and how maps will be distributed. One commenter stated that the impact areas should be delineated using existing EPA data, and that DGLS should not duplicate sampling. One commenter stated that the buffer zones around impact areas should not be the whole of the counties.

RESPONSE AND EXPLANATION OF CHANGE: Impact area maps will be available by the end of September 2001, 90 (ninety) days before the anticipated effective date of the rule amendment.

The area of impact will be determined from samples taken by EPA and DNR or their contractors of well water for the contaminants of concern. No duplicate sampling was conducted. In cases in which a well was determined to produce contaminated water, the well will be included as part of the impact area. In most cases, uncontaminated wells will be located outside the impact area. However, if an uncontaminated well is surrounded by contaminated wells, it may be included in the impact area. Data from newly installed wells and old (pre-rule amendment) wells that are subsequently sampled will be added to existing maps and the impact boundaries redrawn in the same manner as the initial map. The rule provides for a minimal zone to address contaminant migration. The total impact area will be relatively small, and will not encompass the whole of the two counties. The maps will be constructed at least on an annual basis or sooner if major change in impact area is discovered (10 CSR 23-3.100(6)(A)). The public may acquire and review the maps. Comments and concerns can be addressed to the division. Maps will be distributed to the local libraries and one copy each to those in the well construction industry doing business in the affected areas. All other interested persons may obtain a copy of the maps at the price of reproduction. In response to this comment, the Board voted to further clarify how the maps will be constructed. The Board revised the definition of "Impact area" in the final version of the rule amendment to include the following statement: "Standard contouring methodology shall be used to delineate the MCL and Al isoconcentration line, which will define the geographic limit of an impact area."

COMMENT: Commenters suggested that the maps should be available before the Well Installation Board votes on the final order of rulemaking.

RESPONSE: One of the concerns of the division, the Well Installation Board, task force members, well owners, and the public is that the mapping of impact areas be as correct, consistent, and concise as possible given the amount of and spatial arrangement of data. Because analytical data showing the level of impact is not currently available, an accurate and concise map cannot now be drawn. Based on rulemaking procedure, the final order of rulemaking must be presented to the Secretary of State's office by September 5, 2000. This means that the Board must vote on the final order no later than July 24, 2001. The impact area maps are an aid to clarify the rule, but are not a part of the rule. No changes were made in response to the comment.

COMMENT: One commenter stated that comments are not acted upon by the Well installation Board and that the Board is a rubber stamp for department policy.

RESPONSE: The Well Installation Board has considered all comments to date and has made numerous changes in reaction to comments. However, the Board does not agree with all comments and recognizes that some will not be pleased with Board actions. No changes were made in response to the comment.

COMMENT: One commenter stated that wells constructed into the deep aquifer would not allow detection of impact in the shallow aquifer and thus spread of contamination in the shallow aquifer could not be ascertained.

RESPONSE: The rule amendment is not designed to assess the spread of contamination, but rather is intended to protect the deep aquifer and prevent residents from drinking contaminated water. As new shallow wells are installed in contaminant-free areas of the counties, change in impact area can be measured as the wells are tested. No changes were made in response to the comment.

COMMENT: One commenter stated that the rule amendment will put well drillers out of business.

RESPONSE: The rule amendment will affect a small portion of Newton and Jasper Counties that are outside of public water service and within impact areas. Loans will be available to assist most residents. This rule amendment is not intended to stop drilling, but rather to require proper drilling techniques in areas of contaminated groundwater in order to protect the deep aquifer for future use. No changes were made in response to the comment.

COMMENT: One commenter stated that the EPA seems to be doing one thing and the department something different, without interagency coordination. Several commenters stated that the analytical data is old data and not available for review.

RESPONSE: The division has cooperated extensively with EPA. The division relies on EPA and DNR-Division of Environmental Quality for collection of data. Data gathered by both of these agencies is furnished to the division as it becomes available. Both historic and newer data are needed to develop a full assessment of contamination. Because groundwater contaminant plumes migrate over time, additional data will be needed to update the trends of change. No changes were made in response to the comment.

COMMENT: One commenter stated that the rule is an example of government bureaucracy and control by government.

RESPONSE: This rule was pursued only after efforts by the division to obtain voluntary compliance by the well drilling community had failed. The department repeatedly notified drillers of the contamination in the two county area, and requested that certain measures be taken to protect citizens and the deep aquifer, but these requests were often ignored. The Water Well Drillers Act, a statute passed by the Missouri Legislature, provides the Well Installation Board with the authority to implement rules to regulate drilling activities in the State of Missouri. The Board believes that a rule amendment requiring more stringent drilling standards to protect citizens and the deep aquifer in contaminated portions of Jasper and Newton Counties to be an appropriate usage of government authority. No changes were made in response to the comment.

COMMENT: One commenter stated that he feared that existing contaminated wells would need to be abandoned and a new well drilled in compliance with the rule.

RESPONSE: The new rule does not require existing contaminated wells to be plugged unless they jeopardize the deep aquifer. Additionally, any resident with a contaminated well currently is eligible for clean drinking water, at no cost, from the EPA in relation to superfund activities in the area.

10 CSR 23-3.100 Sensitive Areas

- (5) Special Area 2 Definitions.
- (B) "Low-permeability bedrock'' means that portion of geologic material between the lower aquifer and upper aquifer that does not readily transmit water in sufficient quantities to supply a well. The Northview Formation, the Chattanooga Shale, and the upper thirty feet (30') of the Cotter Dolomite shall constitute the low-permeability bedrock. The low-permeability bedrock serves as a natural barrier to groundwater mixing between the upper aquifer and lower aquifer. See Figure 7A included herein for an illustration of geology in Special Area 2.
- (D) "Maximum contaminant level (MCL)" is the maximum permissible concentration of a contaminant in drinking water as listed by the National Primary Drinking Water Regulations (NPDWR).
- (E) "Action level (AL)" is the maximum permissible concentration of lead in drinking water as specified in the *Code of Federal Regulations*. ALs are levels used for contaminants that do not have established MCLs.
- (F) "TCE" shall mean the organic chemical trichloroethylene (a common solvent) and its known degradation products, including but not limited to dichloroethylene and vinyl chloride.

- (G) "Impact area" is defined as that land surface area that is underlain or surrounded by water-bearing units that contain groundwater above the MCL or AL for at least one (1) contaminant of concern (lead, cadmium, TCE or TCE degradation products, or other contaminants of the NPDWR). Standard contouring methodology shall be used to delineate the MCL and AL isoconcentration line, which will define the geographic limit of an impact area.
- (6) Special Area 2. All of Newton County and Jasper County shall be listed as Special Area 2 (Figure 7B included herein) due to the contamination of portions of the upper aquifer by one (1) or more of the following: lead, cadmium, TCE, TCE degradation products or other contaminants of the NPDWR. The upper aquifer and lower aguifer are separated by a thickness of low-permeability bedrock (Figure 7A). This low-permeability bedrock limits migration of groundwater and any associated contamination from the upper aguifer to the lower aguifer. Wells that penetrate the lowpermeability bedrock without an adequate length of surface casing which has had the annulus sealed by approved methods through the low-permeability bedrock may place the lower aquifer at risk to future contamination. Due to chemical and metal contamination present in the upper aquifer in portions of this area, it is necessary to require more stringent well construction standards for new wells that are drilled into the lower aquifer, to cease construction of additional upper aquifer wells in impact areas, and to limit deepening of existing upper aquifer wells in impact areas. New wells constructed outside of the impact area shall be constructed to standards that are no less stringent than the minimum well construction requirements for Area 1. All persons engaged in drilling wells in Special Area 2 shall-
- (A) Before beginning construction of the well, determine if the well to be drilled is located within the impact area as shown on maps provided by the division or as determined by division staff. If data indicate change in impact area status, the impact area map may be modified by the division during January of the calendar year and that map will be maintained and available at: Department of Natural Resources, PO Box 250, Rolla MO 65402-0250.
- (D) Water from all new wells and deepened old wells throughout Special Area 2 shall be sampled and analyzed for lead and cadmium, plus TCE and its degradation products within TCE impact areas. Where indicated by objective factors, the division may require sampling and analysis for other contaminants listed in the NPDWR. Qualified and properly trained persons must complete sample collection. The laboratory that analyzes the sample must be approved by the EPA for such analysis. A copy of the chain of custody form shall be submitted to the division with the well certification report form to document sampling has occurred. An appropriate chain of custody form will be available from the division.
- 1. In order to ensure proper well development, the well pump must run continuously for five (5) hours or until the water clears, whichever occurs first, but in no case shall the well be pumped less than two (2) continuous hours.
- 2. After proper well development, water samples shall be collected from the tap nearest the well.
- 3. All new and deepened old wells in Special Area 2 shall be constructed with a sampling port or tap within ten feet (10') of the wellhead. Water must be purged from the sampling port prior to collection of a sample.
- 4. Water from all new wells in Special Area 2 with less than three (3) times the applicable maximum contaminant level (MCL) or action level (AL) may be retested over a one (1)-month period following pump installation and development to assess water quality changes that may have resulted from drilling and/or well construction. The well cannot be used for human consumption until contaminant levels are below MCLs or ALs. Qualified and properly trained persons must complete sample collection. The laboratory that analyzes the sample must be approved by the EPA for

such analysis. A copy of the chain of custody form shall be submitted to the division with the well certification report form to document sampling has occurred. An appropriate chain of custody form will be available from the division. The division may require any new well, whose contaminant levels do not fall below MCLs or ALs after the retest period, to be plugged.

- 5. Properly constructed new lower aquifer wells that are determined to be contaminated may be allowed to use water treatment systems on a variance basis, if other domestic water sources are not available at the time of well construction. Otherwise, the well must be plugged by using full-length, high-solids bentonite grout emplaced by tremie pipe which extends to within twenty-five feet (25') of the bottom of the borehole. Grout, extending from the bottom of the borehole to within two feet (2') of land surface and finished per 10 CSR 23-3.110(2)(A)3.G., is preferred; in any case, the minimum volume of grout shall be no less than the volume calculated as necessary to accomplish full length plugging of the well.
- 6. Existing wells that extend uncased and/or unsealed through the low-permeability bedrock and that are found to be contaminated with lead, or cadmium, or TCE, TCE degradation products, or other contaminants of the NPDWR may be required to be plugged full-length with high-solids bentonite grout, emplaced by tremie pipe, which extends to within twenty-five feet (25') of the bottom of the borehole. Grout, extending from the bottom of the borehole to within two feet (2') of land surface and finished per 10 CSR 23-3.110(2)(A)3.G., is preferred; in any case, the minimum volume of grout shall be no less than the volume calculated as necessary to accomplish full-length plugging of the well.

REVISED PRIVATE COST: This proposed amendment is estimated to cost private entities one hundred fifty-five thousand dollars (\$155,000) during FY02 and three hundred ten thousand dollars (\$310,000) yearly thereafter for the life of the rule. See attached fiscal note.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 – Department of Natural Resources

Division: 23 – Division of Geology and Land Survey

Chapter: 3 – Well Construction Code

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 23-3 100 – Sensitive Areas

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
43	Private Landowners	\$310,000

III. WORKSHEET

- 1. Estimated number of wells drilled in the Newton and Jasper County contaminated zone for private landowners.
- Average cost of shallow well (prior to proposed amendment) \$3,069.00. Average cost of deep well (after proposed amendment is effective) \$10,070.00. Difference of \$7,000.00 per well.
 Aggregate cost = 43 wells times \$7,000/well=\$310,000.

Well Construction Parameters and Local Geology

	Average Total Depth	Average Casing Length	Number of Domestic Wells (12 yrs)
Jasper	305'	92'	1391
Newton	382'	102'	2361
Average (Both Counties)	344'	97'	_

Average Depth To:	Northview Formation	Chattanooga Shale	Cotter Dolomite	Number of Public Wells in Survey
Jasper	365'		383'	30
Newton	312'	334'	337'	49

Estimate of Impact Area	Wells to be	Constructed
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Total Wells	Estimated Impact	Years of	Percentage of	Estimated Number
In Two	Area Percentage	Record	New Single	of Impact Area
Counties	_		Family Wells	Wells Per Year
(a)	(b)	(c)	(d)	
1391	18	12	70	15
2361	20	12	70 a*b/o	e*d= <u>28</u>
				Total 43

IV. ASSUMPTIONS

- 1. The rule is assumed to be in effect in perpetuity or until impacted groundwater is remediated. The annualized cost does not take into account inflationary factors or other financial impacts, which are unknown in perpetuity.
- 2. The new rule is expected to be effective Jan 1, 2002. The cost for the first full fiscal year is assumed to be the same as other years.
- 3. It is assumed that the size of the regulated community will remain constant. The number of new wells to be subject to this amendment is based on an average of the number of well certification records over the past twelve (12) years for the impacted portions of the two counties.
- 4. This cost assumes that not all new wells in an impact area will be completed as single family wells. Some property owners will hook-up to existing public utilities (5%), others will use multifamily wells (15%), or large subdivisions will supply water to residences (10%).
- 5. This cost assumes there will be no new or sudden changes in technology, which would influence cost. Current technology can allow a substantial decrease in cost should more than estimated multiple service connections be used to supply more than one family per well.
- 6. The estimate of drilling cost is assumed to be the average prevailing well construction rate at the date of drafting the amendment. Currently (July 2001), a 344-foot well should cost approximately \$3,069 and a 600-foot well cased into the low-permeability units between the upper aquifer and lower aquifer should cost approximately \$10,000.
- This cost assumes that the areal extent of impact is accurate and will not substantially increase or decrease.
- 8. This cost does not take into account the interest saving available from using State Revolving Fund low-interest loans, state grants, and potential EPA loans or grants.
- 9. This cost does not take into account the expansion of existing public water districts or the establishment of new public water districts

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 3—Records

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.847, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-3.010 Commission Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2001 (26 MoReg 1259). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Commission received one internal comment regarding Level II applications that are temporarily located at the Commission offices on excursion gambling boats.

RESPONSE: The Commission has considered this comment and has decided to make no change to the proposed amendment.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.800–313.850, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.380 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2001 (26 MoReg 1259). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Commission received one letter of comment suggesting that Supplier licensees be included in this amendment. RESPONSE AND EXPLANATION OF CHANGE: The Commission considered this comment and has included Supplier licensees in this amendment.

11 CSR 45-4.380 Occupational License Application and Annual Fees

(5) The initial annual fee for occupational licenses shall be paid in full to cover the first year of licensure. The license expires annually on the last day of the month of issue. The annual occupational license renewal fee will be billed to the Class A or Supplier licensee.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 23—Motor Vehicle

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.300, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-23.452 Internet Renewal of License Plates is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1458). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.765, RSMo 2000, the director withdraws an amendment as follows:

12 CSR 10-24.442 Stacking Sixty (60)-Day, Ninety (90)-Day, One Hundred Twenty (120)-Day and One Hundred Eighty (180)-Day Disqualifications is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1458–1459). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed amendment based on written comments received and until such time as further research can be completed.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.755, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-24.465 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1329). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one letter of comment on this proposed rule.

COMMENT: One commenter recommended the department change the verbiage in section (1), to bring the rule into compliance with the Federal Motor Carrier Safety Regulations.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommended changes and section (1) of this rule has been modified as indicated above.

12 CSR 10-24.465 Disqualification of Commercial Motor Vehicle Operators Due to Railroad-Highway Grade Crossing Violations

- (1) A driver who is convicted of operating a commercial motor vehicle (CMV) in violation of a federal, state, or local law or regulation pertaining to one (1) of the following six (6) offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in section (2) of this rule:
- (A) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train:
- (B) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;
- (C) For drivers who are always required to stop, failing to stop before driving onto the crossing;
- (D) Failing to have sufficient space to drive completely through the crossing without stopping;
- (E) Failing to obey a traffic control device or the directions of an enforcement official at the crossing; or
- (F) Failing to negotiate a crossing because of insufficient undercarriage clearance.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board of trustees hereby amends a rule as follows:

16 CSR 10-5.030 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 6—The Non-Teacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 2000, the board of trustees hereby amends a rule as follows:

16 CSR 10-6.090 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
K. C. Police Credit Union	Individuals eligible to belong to The
2800 E. 14th Street	Missouri Peace Officers Association,
Kansas City, MO 64127	employees of the Missouri Peace Officers
	Association, individuals who work for
	agencies eligible to belong to the Missouri
	Police Chiefs Associations, individuals who
	work for agencies eligible to belong to the
	Metropolitan Chiefs and Sheriffs
	Association, employees of the Metropolitan
	Chiefs and Sheriffs Association, and
	immediate members of families of such
	individuals and employees and pensioners
	and organizations and associations of all of
	the aforementioned

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

This notice was published in the September 4, 2001, *Missouri Register* (26 MoReg 1765). One zip code was inadvertently left out, and is reprinted here for clarification.

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geo-

graphic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Lake City Credit Union 2112 S. 291 Hwy Suite J Independence, MO 64057	Missouri Zip codes 64014, 64015, 64016, 64056, 64057, 64058

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 265—Division of Motor Carrier and Railroad Safety Chapter 8—Railroads and Street Railroads

IN ADDITION

In the November 29, 1991 update to the *Code of State Regulations* 4 CSR 265-8 was updated. 4 CSR 265-8.060 was reprinted as a result of that update, however, there were no changes to 4 CSR 265-8.060. Unfortunately, four diagrams that had been a part of rule 4 CSR 265-8.060 prior to that update were accidentally dropped from the rule. In the October 31, 2001 update to the *Code of State Regulations* these diagrams have been restored to their proper place in the rule at the request of the agency.

The diagrams are reprinted here for clarification.

4 CSR 265-8.060 Structural Clearances

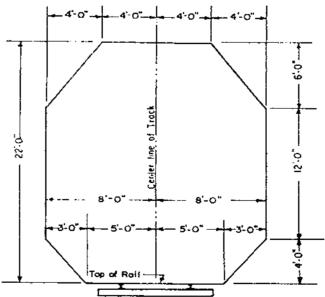


Figure 1. Bridge Clearance Diagram for Tangent Track on Steam and Diesel Railroads

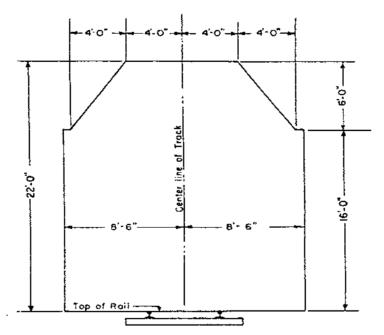


Figure 2. General Clearance Diagram for Buildings Adjacent to Tangent Track on Steam and Diesel Railroads.

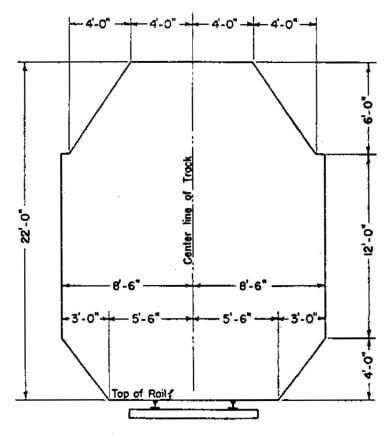


Figure 3. General Clearance Diagram for Structures Other than Bridges, Buildings, Platforms, Retainers and Guards.

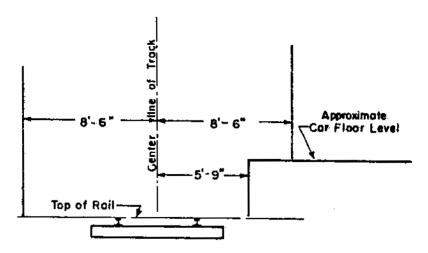


Figure 4. Clearance Diagram for Freight Platforms, Retainers and Guards Adjacent to Tangent Track on Steam and Diesel Railroads

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 7—Security and Surveillance

IN ADDITION

11 CSR 45-7.040 Required Surveillance

A proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 802–803) and a final order of rulemaking was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1587–1588).

The order as published in the August 31, 2001 update to the *Code of State Regulations* shows subsection (1)(O) reprinted as (1)(M) and subsections (1)(N) and (1)(O) reprinted as section (2). Subsections (1)(N) and (1)(O) were inadvertently also printed in the August 31, 2001 update to the *Code of State Regulations*.

This rule is being published correctly in the October 31, 2001 update to the *Code of State Regulations* showing subsection (1)(M) as the last part of section (1).

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 8—Adult Day Care Program Licensure]

Chapter 90—Adult Day Care Program Licensure

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-8.010] **19 CSR 30-90.010** Definitions

[13 CSR 15-8.020] 19 CSR 30-90.020 Licensure Requirements

[13 CSR 15-8.030] **19 CSR 30-90.030** Participants' Rights and Program Policies

[13 CSR 15-8.040] **19 CSR 30-90.040** Staffing Requirements

[13 CSR 15-8.050] **19 CSR 30-90.050** Program and Participant Care Requirements

[13 CSR 15-8.060] **19 CSR 30-90.060** Recordkeeping Requirements

[13 CSR 15-8.070] **19 CSR 30-90.070** Facility Physical Requirements

[13 CSR 15-8.080] **19 CSR 30-90.080** Fire Safety Requirements

[Title 13—DEPARTMENT OF SOCIAL SERVICES]

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 9—Certification] **Chapter 81—Certification**

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

 $[13\ CSR\ 15-9.010]$ **19 CSR 30-81.010** General Certification Requirements

[13 CSR 15-9.015] **19 CSR 30-81.015** Resident Assessment Instrument

[13 CSR 15-9.020] **19 CSR 30-81.020** Prelong-Term Care Screening

[13 CSR 15-9.030] **19 CSR 30-81.030** Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities

[Title 13—DEPARTMENT OF SOCIAL SERVICES]

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 10—General Licensure Requirements]

Chapter 82—General Licensure Requirements

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-10.010] **19 CSR 30-82.010** General Licensure Requirements

[13 CSR 15-10.020] 19 CSR 30-82.020 Classification of Rules

 $[13\ CSR\ 15\text{-}10.030]$ **19 CSR 30-82.030** Assessment of Availability of Beds

[13 CSR 15-10.050] **19 CSR 30-82.050** Transfer and Discharge Procedures

[13 CSR 15-10.060] **19 CSR 30-82.060** Hiring Restrictions—Good Cause Waiver

[13 CSR 15-10.070] **19 CSR 30-82.070** Alzheimer's Demonstration Projects

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 11—Definition of Terms] **Chapter 83—Definition of Terms**

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rule is transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-11.010] 19 CSR 30-83.010 Definition of Terms

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and

Licensure

[Chapter 13—Training Program for Nursing Assistants]

Chapter 84—Training Program for Nursing Assistants

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-13.010] **19 CSR 30-84.010** Nurse Assistant Training Program

[13 CSR 15-13.020] **19 CSR 30-84.020** Certified Medication Technician Training Program

 $[13\ CSR\ 15\text{-}13.030]$ **19 CSR 30-84.030** Level I Medication Aide

[13 CSR 15-13.040] **19 CSR 30-84.040** Insulin Administration Training Program

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 14—Intermediate Care and Skilled Nursing Facility]

Chapter 85—Intermediate Care and Skilled Nursing Facility

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules

are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-14.012] **19 CSR 30-85.012** Construction Standards for New Intermediate Care and Skilled Nursing Facilities and Additions to and Major Remodeling of Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.022] 19 CSR 30-85.022 Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.032] 19 CSR 30-85.032 Physical Plant Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.042] **19 CSR 30-85.042** Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.052] **19 CSR 30-85.052** Dietary Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

[Title 13—DEPARTMENT OF SOCIAL SERVICES]

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 15—Residential Care Facilities I and II]

Chapter 86—Residential Care Facilities I and II

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-15.012] 19 CSR 30-86.012 Construction Standards for New and Existing Residential Care Facilities II and Newly Licensed Residential Care Facilities I

[13 CSR 15-15.022] 19 CSR 30-86.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.032] 19 CSR 30-86.032 Physical Plant Requirements for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.042] 19 CSR 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.045] **19 CSR 30-86.045** Standards and Requirements for Residential Care Facilities II Which Provide Services to Residents with Alzheimer's Disease or Other Dementia

[13 CSR 15-15.052] 19 CSR 30-86.052 Dietary Requirements for New and Existing Residential Care Facilities I and II

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 17—Sanitation Requirements for Long-Term Care Facilities]

Chapter 87—Sanitation Requirements for Long-Term Care Facilities

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-17.010] **19 CSR 30-87.010** Definitions

[13 CSR 15-17.020] 19 CSR 30-87.020 General Sanitation Requirements for New and Existing Long-Term Care Facilities

[13 CSR 15-17.030] **19 CSR 30-87.030** Sanitation Requirements for Food Service

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and

Licensure

[Chapter 18—Resident's Rights and Handling Resident Funds and Property in Long-Term Care Facilities]

Chapter 88—Resident's Rights and Handling Resident Funds and Property in Long-Term Care Facilities

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-18.010] 19 CSR 30-88.010 Resident Rights

[13 CSR 15-18.020] **19 CSR 30-88.020** Resident's Funds and Property

[Title 13—DEPARTMENT OF SOCIAL SERVICES] Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]

Division 30—Division of Health Standards and Licensure

[Chapter 20—Specialized Long-Term Care Facilities or Special Care Units]

Chapter 89—Specialized Long-Term Care Facilities or Special Care Units

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of

the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rule is transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-20.010] **19 CSR 30-89.010** Pediatric Nursing Facilities

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 20—Pharmacy Program

IN ADDITION

This In Addition corrects an error in the proposed amendment to 13 CSR 70-20.034 as published in the October 15, 2001 *Missouri Register* (26 MoReg 2018–2019). There should have been only two (2) new entries added in section (2) rather than three (3) as published. The entry under the Drug and Category of Drug heading should not have included "Brand name Non-steroidal Anti-Inflammatory Agents, Oral" and the additional information beside it on the table in the second column. Section (2) is reprinted here in its entirety for clarification purposes only.

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization is Required

(2) List of drugs or categories of drugs which are restricted to require prior authorization for certain specified indications—

<u>Drug or Category of Drug</u> Abortifacients	Allowed Indications Termination of pregnancy resulting from an act of rape, or incest or when necessary to protect the life of the mother
Butorphanol, nasal spray	Override of quantity restriction allowed for medically accepted uses
Drugs used to treat sexual dysfunction	Sexual dysfunction
Histamine 2 Receptor Antagonists	Medically accepted uses
Human growth hormone products	Unrestricted use by patients 18 years of age and younger and medically accepted uses for patients older than 18 years of age
Ketorolac, oral	Short-term treatment of moderately severe acute pain following injection of same entity
Linezolid, oral	Medically accepted uses
Modafanil	Narcolepsy

Proton Pump Inhibitors

Non-sedating

antihistamines

Medically accepted uses

Unrestricted use by

younger and medically

accepted uses following

patients 18 years of age and

acceptable trial of unrestrict-

ed alternatives for patients older than 18 years of age

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED: APPLICATION PROJECT NO. & NAME/COST & DESCRIPTION/ CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the December 3, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

09/07/01

#3170 HS: St. Anthony's Medical Center St. Louis (St. Louis County) \$2,025,738, Renovate and expand radiology department

09/21/01

#3174 HS: Barnes-Jewish Hospital St. Louis (St. Louis City) \$2,406,855, Acquire positron emission tomography/ computed tomography unit

09/21/01

#3176 HS: St. John's Mercy Medical Center St. Louis (St. Louis County) \$2,970,111, Expand endovascular service

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by October 22, 2001. All written requests and comments should be sent to:

Chairman

Missouri Health Facilities Review Committee c/o Certificate of Need Program 915 G Leslie Boulevard Jefferson City, MO 65101

For additional information contact Donna Schuessler, 573-751-6403.

OFFICE OF ADMINISTRATION Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E02098 Boat & Trailer 11/1/01;

B1E02103 Meat Products: Freezer/Cooler Items 11/1/01;

B1Z02046 Fuel: Fleet Fuel Card 11/1/01;

B3Z02058 Audit Services 11/2/01;

B1E02106 Mace: Pepper Spray 11/5/01;

B3E02081 Vehicle Safety Inspection Sticker 11/7/01;

B3Z01248 Administration Services-Minority Arts Program

B3Z02006 Administration Services-Arts Education Program 11/9/01;

B3Z02032 Dental Services 11/12/01;

B2Z02000 Electronic Benefit Transfer (EBT) Services 11/19/01;

B3Z02043 Media Campaign-Anti-Litter 11/28/01;

B3Z02033 Child Care Program Accreditation Facilitation Services 11/29/01:

B3Z02054 Missouri Assessment Program (MAP) Services 12/17/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Immunization Assessment Services, supplied by the Missouri Chapter of the American Academy of Pediatrics. 2.) Monitoring, In-Service and Technical Assistance for Parent Educators throughout the State of Missouri, supplied by the Parents as Teachers National Center (PATNC).

Child Care Resource & Referral Services, supplied by Child Care Resource and Referral Network.

Ongoing IBM Software Maintenance, supplied by IBM Corporation.

Missouri Professional Engineers License Examination Booklets, supplied by the National Council of Engineer Examiners.

1.) Healthy Families Home Visitation Training, supplied by Prevent Child Abuse Missouri. 2.) Library Investment for Tomorrow-Missouri (LIFT), supplied by Literacy Investment for Tomorrow-Missouri. 3.) GWI Help Desk Software & Maintenance Support Services, supplied by GWI Software, Inc.

James Miluski, CPPO, Director of Purchasing November 1, 2001 Vol. 26, No. 21

Rule Changes Since Update to Code of State Regulations

MISSOURI REGISTER

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Sched	ule			24 MoReg 2535
1 0010 10	State Strong State Strong State Strong				25 MoReg 2478
2 CSR 10-5.005 2 CSR 10-5.010	DEPARTMENT OF AGRICULTURE Market Development Market Development	24 MoReg 2269 26 MoReg 1305R			
2 CSR 70-13.030 2 CSR 90-40.010 2 CSR 90-50.010 2 CSR 100-10.010	Plant Industries Weights and Measures Weights and Measures Weights and Measures		26 MoReg 1129F 26 MoReg 1129F	R26 MoReg 1837	R
3 CSR 10-1.010 3 CSR 10-5.550 3 CSR 10-5.550 3 CSR 10-5.551 3 CSR 10-5.559 3 CSR 10-5.560 3 CSR 10-5.665 3 CSR 10-7.440 3 CSR 10-9.110 3 CSR 10-9.110 3 CSR 10-11.115 3 CSR 10-11.182 3 CSR 10-11.200 3 CSR 10-11.215 3 CSR 10-11.210 3 CSR 10-11.215 3 CSR 10-12.109 3 CSR 10-12.135 3 CSR 10-12.135 3 CSR 10-12.140	DEPARTMENT OF CONSERVATION Conservation Commission		26 MoReg 189126 MoReg 189326 MoReg 189526 MoReg 1899This IssueN.A	26 MoReg 1837 26 MoReg 1928 This Issue This Issue	
4 CSR 10-2.160 4 CSR 15-1.010 4 CSR 15-1.020 4 CSR 15-1.030 4 CSR 15-2.010	DEPARTMENT OF ECONOMIC DEVEL Missouri State Board of Accountancy Acupuncturist Advisory Committee Acupuncturist Advisory Committee Acupuncturist Advisory Committee Acupuncturist Advisory Committee	26 MoReg 1501	26 MoReg 1628 26 MoReg 1631 26 MoReg 1631		
4 CSR 15-2.020 4 CSR 15-3.010 4 CSR 15-3.020 4 CSR 15-4.010 4 CSR 15-4.020 4 CSR 30-3.020	Acupuncturist Advisory Committee		26 MoReg 1642 26 MoReg 1647 26 MoReg 1650 26 MoReg 1653		
4 CSR 30-3.030 4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyor Missouri Board for Architects, Professional	rs			
4 CSR 30-4.080	Engineers and Professional Land Surveyor Missouri Board for Architects Professional	rs			
4 CSR 30-5.120	Engineers and Professional Land Surveyor Missouri Board for Architects, Professional Engineers and Professional Land Surveyor Missouri Board for Architects, Professional	'S	This IssueThis IssueR		
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyor Missouri Board for Architects, Professional	rs	This IssueR		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyor Missouri Board for Architects, Professional	rs	26 MoReg 1406	R	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyor Missouri Board for Architects, Professional	rs	26 MoReg 1409 26 MoReg 1409	R	
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyor	rs	26 MoReg 1410		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 65-1.060	Endowed Care Cemeteries		This Issue		
4 CSR 65-2.010	Endowed Care Cemeteries				
4 CSR 65-2.050	Endowed Care Cemeteries		This Issue		00 M D . 1001
4 CSR 100	Division of Credit Unions				
4 CSR 100-2.040	Division of Credit Unions			26 MaDag 1704	
4 CSR 100-2.060 4 CSR 100-2.160	Division of Credit Unions	•••••	26 MoReg 1139	20 Mokeg 1704	
4 CSR 110-2.170	Missouri Dental Board		26 MoReg 1414R		
4 CSR 110-2.180	Missouri Dental Board		26 MoReg 1414	•	
4 CSK 110-2.160			26 MoReg 1423		
4 CSR 120-2.100	State Board of Embalmers and Funeral Direct	tors	26 MoReg 1007.	26 MoReg 1704	
4 CSR 145-1.040 4 CSR 150-2.050	Missouri Board of Geologist Registration State Board of Registration for the Healing A	rte	26 MoReg 1011 26 MoReg 1014	26 MoReg 1704	
4 CSR 150-2.080	State Board of Registration for the Healing A	.rts	26 MoReg 1014	26 MoReg 1705	
4 CSR 150-2.125	State Board of Registration for the Healing A State Board of Registration for the Healing A	arts	26 MoReg 1020 .	26 MoReg 1705	
4 CSR 150-2.165 4 CSR 150-6.010	State Board of Registration for the Healing A State Board of Registration for the Healing A	arts	26 Mokeg 1021 26 Mokeg 1656	26 Mokeg 1705	
4 CSR 150-8.060	State Board of Registration for the Healing A	.rts	26 MoReg 1023.	26 MoReg 1706	
4 CSR 165-1.020	Board of Examiners for Hearing Instrument S	Specialists	26 MoReg 1656		
4 CSR 165-2.050 4 CSR 165-2.060	Board of Examiners for Hearing Instrument S Board of Examiners for Hearing Instrument S	Specialists	26 MoReg 1656		
4 CSR 220-2.010	State Board of Pharmacy	-	26 MoReg 1658		
4 CSR 220-2.085 4 CSR 220-5.020	State Board of Pharmacy State Board of Pharmacy		26 MoReg 1025 .	26 MoReg 1929	
4 CSR 220-5.020 4 CSR 233-1.040	State Committee of Marital and Family There	apists	26 MoReg 1025 . 26 MoReg 1309 .	26 MoReg 1929	
4 CSR 233-2.010	State Committee of Marital and Family Thera	apists	26 MoReg 1309.	26 MoReg 2047	
4 CSR 233-2.020 4 CSR 233-2.021	State Committee of Marital and Family There State Committee of Marital and Family There	apists	26 MoReg 1310	26 MoReg 2047	
4 CSR 233-2.021 4 CSR 233-2.040	State Committee of Marital and Family There	apists	26 MoReg 1311	26 MoReg 2047	
4 CSR 240-2.080	Public Service Commission		26 MoReg 1965	8	
4 CSR 240-2.130 4 CSR 240-10.020	Public Service Commission	•••••	26 MoReg 1966		
4 CSR 240-21.010	Public Service Commission		26 MoReg 1312		
4 CSR 240-35.010	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.020 4 CSR 240-35.030	Public Service Commission	•••••	26 MoReg 1659	2	
4 CSR 240-51.010	Public Service Commission		26 MoReg 1317		
4 CSR 240-120.011 4 CSR 240-120.065	Public Service Commission Public Service Commission		26 MoReg 1434		
4 CSR 240-120.003	Public Service Commission			This Issue	
4 CSR 240-121.010	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.020 4 CSR 240-121.040	Public Service Commission		26 MoReg 1161 26 MoReg 1161	This Issue	
4 CSR 240-121.050	Public Service Commission		26 MoReg 1162	11113 13540	
4 CSR 240-121.055	Public Service Commission				
4 CSR 240-121.060 4 CSR 240-121.090	Public Service Commission		26 MoReg 1162	This IssueW	
4 CSR 240-122.010	Public Service Commission		26 MoReg 1435F	2	
4 CSR 240-122.020 4 CSR 240-122.030	Public Service Commission				
4 CSR 240-122.040	Public Service Commission Public Service Commission		26 MoReg 1435F	2	
4 CSR 240-122.050	Public Service Commission		26 MoReg 1436F		
4 CSR 240-122.060 4 CSR 240-122.070	Public Service Commission	•••••	26 Mokeg 1436F		
4 CSR 240-122.080	Public Service Commission		26 MoReg 1437F	2	
4 CSR 240-122.090	Public Service Commission		26 MoReg 1437F	2	
4 CSR 240-123.010 4 CSR 240-123.030	Public Service Commission		26 MoReg 1437		
4 CSR 240-123.040	Public Service Commission		26 MoReg 1441		
4 CSR 240-123.065 4 CSR 240-123.070	Public Service Commission		26 MoReg 1444		
4 CSR 240-123.080	Public Service Commission		26 MoReg 1446		
4 CSR 240-124.010	Public Service Commission		26 MoReg 1446		
4 CSR 240-124.040 4 CSR 240-124.045	Public Service Commission Public Service Commission	•••••	26 MoReg 1447		
4 CSR 245-5.010	Real Estate Appraisers		26 MoReg 1026 .	26 MoReg 1706	
4 CSR 245-5.020	Real Estate Appraisers		26 MoReg 1026 .	26 MoReg 1706	
4 CSR 250-5.020 4 CSR 265-8.060	Missouri Real Estate Commission		1 IIIS 188UE		This Issue
4 CSR 270-1.011	Motor Carrier and Railroad Safety		26 MoReg 1030 .	26 MoReg 1706	
4 CSR 270-1.021 4 CSR 270-1.050	Missouri Veterinary Medical Board Missouri Veterinary Medical Board		26 MoReg 1030 .	26 MoReg 1706	?
1 0010 210-1.000			26 MoReg 1031	26 MoReg 1707	·
4 CSR 270-2.011	Missouri Veterinary Medical Board		26 MoReg 1037 .	26 MoReg 1707	
4 CSR 270-2.021 4 CSR 270-2.052	Missouri Veterinary Medical Board Missouri Veterinary Medical Board		26 MoKeg 1037 . 26 MoReg 1038	26 MoReg 1707	
4 CSR 270-2.070	Missouri Veterinary Medical Board		26 MoReg 1038 .	26 MoReg 1707	
4 CSR 270-2.071	Missouri Veterinary Medical Board		26 MoReg 1039	26 MoReg 1708	
4 CSR 270-3.020 4 CSR 270-3.030	Missouri Veterinary Medical Board		26 MoReg 1039 .	26 MoReg 1708	
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CSR 270 - 3.04 Missour Veterinary Medical Board	Rule Number	Agency	Emergency	Proposed	Order	In Addition
CSR 270-1-012 Missouri Vertriaray Medical Board	4 CSR 270-3.040	Missouri Veterinary Medical Board		26 MoReg 1040 .	26 MoReg 1708	
CSR 271-5 100 Miscount Veterinary Medical Board 25 MoReg 105 25 MoReg 1709	4 CSR 270-4.042	Missouri Veterinary Medical Board		26 MoReg 1041	26 MoReg 1708	
4 CSR 270 5.01 Missouri Veterianay Medical Board 28 MoReg 1905 Missouri Veterianay Medical Board 28 MoReg 1905 Missouri Veterianay Medical Board 28 MoReg 1905 MoReg 1919 Missouri Veterianay Medical Board 28 MoReg 1912 Missouri Veterianay Medical Missouri Veterianay Medical Missouri Veterianay Medical Board 28 MoReg 1912 MoReg 1818 MoReg 1913 Missouri Veterianay Medical Missou		Missouri Veterinary Medical Board		26 MoReg 1047 .	26 MoReg 1708	
A CSR 270-7.020 Missouri Veterinary Medical Board		Missouri Veterinary Medical Board		26 MoReg 1051	26 MoReg 1709	
DEPARTMENT OF FLEMENTARY AND SECONDARY EDUCATION		Missouri Veterinary Medical Board		26 MoReg 1051	26 MoReg 1709	
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9 CSR 10-7.010	Director, Department of Menta	l Health	26 MoReg 708	26 MoReg 17	709
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9 CSR 30-3.032 9 CSR 30-3.040	Certification Standards		20 MoReg 729	20 MoReg 17	1 / 11 O D
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9 CSR 30-3.100	Certification Standards		26 MoReg 731	26 MoReg 17	18
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9 CSR 30-3.120	Certification Standards		26 MoReg 737	26 MoReg 17	'21
9 CSR 30-3.130	Certification Standards		26 MoReg 739	26 MoReg 17	722
9 CSR 30-3.132	Certification Standards		26 MoReg 750	26 MoReg 17	'24
	(Changed from 9 CSR 30-3.6)	10)			
9 CSR 30-3.134	Certification Standards	 [1]	26 MoReg 753	26 MoReg 17	'26
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9 CSR 30-3.200	Certification Standards		26 MoReg 747R	26 MoReg 17	729R
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9 CSR 30-3.204	Certification Standards	50) 	26 MoReg 762	26 MoReg 17	729
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9 CSR 30-3.206	Changed from 0 CCR 20.2.7	·····	26 MoReg /64	26 Mokeg 17	729
9 CSR 30-3.208	(Changed from 9 CSR 30-3.76	o <i>u)</i> 	26 MaDog 769	26 MoDog 17	720
3 CSR 30-3.200	(Changed from 9 CSR 30-3.75	?(A)	20 Moneg 700	20 Moneg 17	30
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9 CSR 30-3.220	Certification Standards		26 MoReg 748R.	26 MoReg 17	730R
9 CSR 30-3.230	Certification Standards		26 MoReg 768	26 MoReg 17	730
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9 CSR 30-3.240	Certification Standards		26 MoReg 748R.	26 MoReg 17	′31R
9 CSR 30-3.250	Certification Standards		26 MoReg 748R.	26 MoReg 17	′31R
9 CSR 30-3.300	Certification Standards		26 MoReg 755	26 MoReg 17	'31
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9 CSR 30-3.400 9 CSR 30-3.410	Certification Standards		26 MoReg 749R.	26 MoReg 17	731 K 791 D
9 CSR 30-3.420	Cartification Standards		26 MoPog 749R.	20 MoReg 17	739D
9 CSR 30-3.420	Cartification Standards		26 MoRag 749R.	26 MoReg 17	32R 33P
9 CSR 30-3.510	Certification Standards		26 MoReg 750R	26 MoReg 17	732R
9 CSR 30-3.600	Certification Standards		26 MoReg 750R.	26 MoReg 17	732R
9 CSR 30-3.610	Certification Standards		26 MoReg 750	26 MoReg 17	24
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9 CSR 30-3.611	Certification Standards		26 MoReg 753	26 MoReg 17	726
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9 CSR 30-3.620	Certification Standards		26 MoReg 755R.	26 MoReg 17	′32R
9 CSR 30-3.621	Certification Standards		26 MoReg 755R.	26 MoReg 17	732R
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9 CSR 30-3.720	Cartification Standards		26 MoReg 760	26 MoReg 17	729 26 MaRag 1932
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9 CSR 30-3.740	Certification Standards		26 MoReg 762R	26 MoReg 17	′33R
9 CSR 30-3.750	Certification Standards		26 MoReg 762	26 MoReg 17	29
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9 CSR 30-3.760	Certification Standards		26 MoReg 764	26 MoReg 17	⁷ 29
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9 CSR 30-3.770	Certification Standards		26 MoReg 767R.	26 MoReg 17	′33R

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9 CSR 30-3.820 9 CSR 30-3.830	Certification StandardsCertification Standards		26 MoReg 772R	26 MoReg 1734F	{
9 CSR 30-3.840	Certification Standards		26 MoReg 773R	26 MoReg 1734F	2
9 CSR 30-3.850	Certification Standards		26 MoReg 773R	26 MoReg 1734F	}
9 CSR 30-3.851	Certification Standards		26 MoReg 773R	26 MoReg 1734F	2
9 CSR 30-3.852 9 CSR 30-3.853	Certification StandardsCertification Standards		26 Mokeg 774k 26 Mokeg 774k	26 Mokeg 1734F 26 Mokeg 1735F	ξ }
9 CSR 30-3.860	Certification Standards		26 MoReg 774R	26 MoReg 1735F	?
9 CSR 30-3.870	Certification Standards		26 MoReg 774R	26 MoReg 1735F	2
9 CSR 30-3.880 9 CSR 30-3.890	Certification StandardsCertification Standards		26 MoReg 775R	26 MoReg 1735F	}
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9 CSR 30-3.910	Certification Standards			26 MoReg 1736F	ì
9 CSR 30-3.920	Certification Standards		26 MoReg 776R	26 MoReg 1736F	2
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9 CSR 30-3.960	Certification Standards		26 MoReg 777R	26 MoReg 1736F	}
9 CSR 30-3.970	Certification Standards		26 MoReg 777R	26 MoReg 1737F	₹
9 CSR 30-4.010	Certification Standards		26 MoReg 777	26 MoReg 1737	
9 CSR 30-4.020 9 CSR 30-4.030	Certification StandardsCertification Standards		26 MoReg 778	26 MoReg 1737	
9 CSR 30-4.031	Certification Standards		26 MoReg 781	26 MoReg 1738	
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9 CSR 30-4.038	Certification Standards		26 MoReg 790	26 MoReg 1741	
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9 CSR 30-4.100 9 CSR 30-4.110	Certification StandardsCertification Standards		26 MoReg 795R	17421 NOReg 17421 26 MoReg 17421	ί)
9 CSR 30-4.120	Certification Standards		26 MoReg 796R	26 MoReg 1742F	?
9 CSR 30-4.130	Certification Standards			26 MoReg 1743F	2
9 CSR 30-4.140 9 CSR 30-4.150	Certification Standards		26 MoReg 796R	26 MoReg 1743F	{
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